

IN THE UNITED STATES DISTRICT COURT  
FOR THE NORTHERN DISTRICT OF TEXAS  
WICHITA FALLS DIVISION

WESLEY M. BARRY, §  
§  
Plaintiff, §  
§  
v. § Civil No. 7:14-CV-015-O  
§  
BRIEN CONNOR, *et al.*, §  
§  
Defendants. §

ORDER ACCEPTING REPORT AND RECOMMENDATION  
OF THE UNITED STATES MAGISTRATE JUDGE

After making an independent review of the pleadings, files, and records in this case, and of the Findings and Recommendation of the United States Magistrate Judge (ECF No. 28), I am of the opinion that the fact findings and conclusions of law set forth in the Findings and Recommendation of the Magistrate Judge are correct and they are hereby adopted and incorporated by reference as the findings of the Court.

Accordingly, Defendants' Motion to Dismiss (ECF No. 25) is GRANTED IN PART and DENIED IN PART as follows:

1. The motion to dismiss claims against Defendants David Duke and Richard Johns is GRANTED and such claims, and the Defendants, are DISMISSED;
2. The motion to dismiss claims for declaratory and injunctive relief is GRANTED and such claims are DISMISSED; and,
3. To the extent that Defendants Connor, Hamilton, and the Unknown Officer seek dismissal of the claims against them, the motion is DENIED.

It is further ORDERED that, by June 8, 2015, Defendants Connor, Hamilton, and Unknown Officer shall file an Answer to Plaintiff's Amended Complaint as supplemented by his Answers to the Court's Questionnaire.

SO ORDERED this 8th day of May, 2015.



Reed O'Connor  
UNITED STATES DISTRICT JUDGE